

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TARO PHARMACEUTICALS U.S.A., INC.,  
Petitioners,

v.

APOTEX TECHNOLOGIES, INC.,  
Patent Owner.

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Case IPR2017-01446  
U.S. Patent No. 7,049,328

Title: USE FOR DEFERIPRONE

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**PATENT OWNER'S OBJECTIONS TO EVIDENCE  
PURSUANT TO 37 C.F.R. § 42.64**

Pursuant to 37 C.F.R. § 42.64, Patent Owner Apotex Technologies, Inc. (“Apotex”) presents the following objections to evidence served with the Petition of Taro Pharmaceuticals USA, Inc. (“Taro” or “Petitioner”).

**I. Exhibit 1002**

Apotex objects to Exhibit 1002, Declaration of Jayesh Mehta, M.D. Specifically, Apotex objects to ¶¶ 26-28, 30, 33, 34, 36, 37, 40, 55, 56, 60, 64, 66, 67, 72, 74-76, 80, and 82-85 as not based on sufficient facts or data, the product of reliable principles and methods, and/or reliable application of the principles of methods and facts. *See* Fed. R. Evid. 702, 703, 705, 403; 77 Fed. Reg. at 48,763; 37 C.F.R. § 42.65.

Apotex objects to ¶¶ 31, 34, 37-40, 63-65, 68-71, and 80-81 as irrelevant. *See* Fed. R. Evid. 402. These paragraphs are not directly cited in the Petition and the relevance of the paragraphs is not apparent. Apotex further objects to ¶ 30 as irrelevant because it contains a cite to Exhibit 1028, which is not cited in the Petition. *See* Fed. R. Evid. 402.

Apotex objects to ¶¶ 63-85 as testimony provided on a topic which the declarant is not qualified to opine. *See* Fed. R. Evid. 702 and 703.

Apotex further objects to Ex. 1002, which does not disclose Dr. Mehta’s compensation. *See* Ex. 1002 at ¶ 1; Fed. R. Civ. P. 26(a)(2)(B)(vi).

## II. Exhibits 1005, 1006, 1022, 1024, 1026, and 1030

Apotex objects to the relevance of Exhibits 1005, 1006, 1022, 1024, 1026, and 1030 in the obviousness analysis of the Petition and Dr. Mehta's obviousness analysis. *See* Petition at pp. 43-51; *see also* Ex. 1002 at ¶ 83. Specifically, because the Petition failed to identify any combination of references in the obviousness analysis, the relevance of Exhibits 1005, 1006, 1022, 1024, 1026 and 1030 to the alleged obviousness of the challenged claims of the '328 patent is not apparent. *See* Fed. R. Evid. 402.

## III. Exhibits 1028, 1029, 1031, 1033-1035

Apotex objects to the relevance and probative value of Exhibits 1028, 1029, 1031, and 1033-1035, which are not cited in the Petition. *See* Fed. R. Evid. 401, 402, and 403.

Respectfully submitted,

Date: December 12, 2017

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 12, 2017, I caused a true and correct copy of **Patent Owner's Objections to Evidence** to be served via electronic mail on the following attorneys of record:

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